

S.R. 423 - by Clower: Extending welcome to Robin Reed.

S.R. 424 - by Clower: Extending welcome to Casis Elementary School 2nd Grade Students.

S.R. 425 - by Clower: Extending welcome to Betty Champion.

S.R. 427 - by Ogg, Jones of Harris: Extending welcome to Cornelius Elementary School.

S.R. 428 - by Ogg, Jones of Harris: Extending welcome to Mrs. Thelma Ogg.

ADJOURNMENT

The President announced the purpose of the Joint Session had been concluded and declared the Senate at 11:50 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

APPENDIX

Sent to Governor

(March 29, 1977)

S.C.R. 5
S.C.R. 74
S.B. 25
S.B. 137

FORTY-FOURTH DAY (Wednesday, March 30, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Adams, Snelson.

A quorum was announced present.

The Reverend Albert C. Hemenway, Presbyterian Minister, Austin, Texas, offered the invocation as follows:

Heavenly Father — we ask Your blessings upon those who will deliberate here this day! The issues facing them are serious, and the results will be of considerable consequence to millions of their fellowman. Forgive them Father, the faults, failures and guilts which haunt them. Give them new assurance in selfless courage to stand-up for what is right. Give them clear minds, that they may utilize to the fullest their God-given talents and abilities. Give them pure hearts, that they may place the interest of brotherhood ahead of expediency, or of politics, or of self-interest. Finally, Lord, blanket them with Your Great Love, that in feeling Your Presence, they will be the Children of God they are capable of becoming.

This we ask in the Power of the Creator and the Love of the Father of us all. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Adams was granted leave of absence for today on account of death in the family on motion of Senator Jones of Taylor.

Senator Snelson was granted leave of absence for today on account of death in the family on motion of Senator Aikin.

MESSAGE FROM THE HOUSE

House Chamber
March 30, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 12, A Memorial Resolution for Miss Ima Hogg.

H.C.R. 123, Authorizing the Senate to adjourn from Wednesday, March 30, 1977, to Monday, April 4, 1977.

H.C.R. 46, In memory of the Honorable Uel Stephens.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 123 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 123, Authorizing the Senate to adjourn from Wednesday, March 30, 1977, to Monday, April 4, 1977, in memory of Judge T. Gilbert Adams, father of Senator Don Adams.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

S.B. 1214 by Jones or Harris Natural Resources
Creating a conservation and reclamation district under the provisions of Article 16,
Section 59, Constitution of Texas, in Fort Bend County, Texas, to be known as Fort
Bend County Municipal Utility District No. 13 of Fort Bend County, Texas;
defining its boundaries and finding their closure; finding benefits to the land and
other property in the district; conferring on the district the rights, powers, privileges,
authority and functions of the general laws applicable to municipal utility districts
created under Chapter 54, Title 4, Water Code where not in conflict with this Act;
providing for the selection, qualification and term of its governing body; containing
other provisions relating to the subject; providing a severability clause; finding and
declaring compliance with the Constitution, laws, rules and procedures relative to
consent to, notice, introduction, and passage of this Act; and declaring an
emergency.

S.B. 1215 by Jones of Harris

Natural Resources

Creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Fort Bend County, Texas, to be known as First Colony Municipal Utility District of Fort Bend County, Texas; defining its boundaries and finding their closure; finding benefits to the land and other property in the district; conferring on the district the rights, powers, privileges, authority and functions of the general laws applicable to municipal utility districts created under Chapter 54, Title 4, Water Code where not in conflict with this Act; providing for the appointment, qualification and term of its governing body; granting to the district certain powers as a master district; containing other provisions relating to the subject; providing a severability clause; finding and declaring compliance with the Constitution, laws, rules and procedures relative to consent to, notice, introduction, and passage of this Act; and declaring an emergency.

S.B. 1216 by Meier

Intergovernmental Relations

Relating to the replacement of certain courts with district courts; making provisions relative to those courts and the judges of those courts; repealing the laws creating the replaced courts; amending Subchapter C, Judicial Districts Acts of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Sections 3.126-3.129.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 694, To Committee on Finance.

H.B. 656, To Committee on Intergovernmental Relations.

H.B. 1082, To Committee on State Affairs.

H.B. 379, To Committee on Finance.

H.B. 285, To Committee on State Affairs.

H.B. 243, To Committee on Education.

H.B. 248, To Committee on Education.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was read and was filed with the Secretary of the Senate:

March 30, 1977

The Honorable Betty King
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mrs. King:

On March 24, 1977, I submitted the reappointment of Mr. Everett J. (Ebb) Grindstaff of Ballinger to the Board of Directors of the Upper Colorado River Authority. On the submission sheet, his name appears as Mr. Everett Grindstaff, Jr.

Please make the necessary changes to reflect the fact that Mr. Grindstaff's full name is Everett J. (Ebb) Grindstaff.

Sincerely,

DOLPH BRISCOE
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations.

Austin, Texas
March 30, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to House Bill Number 372, 65th Legislature:

To be District Attorney for the 220th Judicial District of Texas, Hamilton, Comanche and Bosque Counties, until the next general election and until his successor shall be duly elected and qualified: The Honorable Leslie B. Vance of Clifton, Bosque County.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

**SUBCOMMITTEE ON NOMINATIONS
GRANTED PERMISSION TO MEET**

On motion of Senator McKnight and by unanimous consent, the Subcommittee on Nominations was granted permission to meet while the Senate was in session.

COMMITTEE SUBSTITUTE HOUSE BILL 3 ON SECOND READING

Senator Moore moved that Senate Rules 12, 68 and 74 and the Constitutional Rule requiring bills to be read on three several days be suspended to place on its second reading and passage to third reading and on its third reading and final passage:

C.S.H.B. 3, Relating to the allocation and use of state revenue credited to the Omnibus Tax Clearance Fund and allocations from the State Highway Fund; making an appropriation; amending Section 5, Chapter 186, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 6674c, Vernon's Texas Civil Statutes); amending Section 2, Article XX, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 7083a, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Doggett, Jones of Taylor, Patman, Truan.

Absent-excused: Adams, Snelson.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend C.S.H.B. No. 3 by adding to the end of quoted Section 5 of Section 1 of the substitute (page 2 line 2): There shall be subtracted from the \$30 million maximum which may be appropriated to the Department of Public Safety the amount of appropriations for each fiscal year from the State Highway Fund to the State Employee's Retirement System to provide for the state's share of retirement contributions, social security taxes, and state paid health insurance for employees and officers of the Department of Public Safety.

The amendment was read and was adopted.

Senator Hance offered the following amendment to the bill:

Amend C.S.H.B. No. 3 by striking "Federal Revenue Sharing Fund" in Section 3 (page 5, lines 24 and 25) and substituting "General Revenue Fund" and by striking "\$50,000,000 for the fiscal year ending August 31, 1978, and the sum of \$50,000,000 for the fiscal year ending August 31, 1979" in Section 3 (page 5 lines 25 through 27) and substituting "\$200,000,000 for the fiscal year ending August 31, 1978, and for the fiscal year ending August 31, 1979, the unexpended balance of the amount appropriated for the fiscal year ending August 31, 1978".

HANCE
FARABEE
SHERMAN
SANTIESTEBAN

The amendment was read.

Pending discussion of the amendment by Senator Schwartz, Senator Sherman occupied the Chair.

(President in Chair)

Question - Shall the amendment be adopted?

SENATE RULE 37 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 37 was suspended in order that the Senate might hold an Executive Session.

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 13, Nays 14.

Yeas: Aikin, Bracklein, Brooks, Clower, Doggett, Jones of Harris, Longoria, Mauzy, Parker, Patman, Schwartz, Sherman, Truan.

Nays: Andujar, Creighton, Hance, Harris, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Traeger, Williams.

Absent: Farabee, Lombardino.

Absent-excused: Adams, Snelson.

EXECUTIVE SESSION

Accordingly, the President at 12:20 o'clock p.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 12:45 o'clock p.m.

The President asked if there were requests to sever nominees.

Senator Truan requested the severance of Laurence A. McNeil, to be a Member of the Board of Directors of Texas A&I University.

Senator Hance requested the severance of David Hull Youngblood, to be a Member of the Commission on Jail Standards.

The requests to sever were granted.

Senator McKnight moved confirmation of those nominees not severed and reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The following nominees were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Adams, Snelson.

NOMINEES CONFIRMED

To be Members of the Board of Regents, NORTH TEXAS STATE UNIVERSITY: V. F. Neuhaus, Hidalgo County (reappointment); Hugh Wolfe, Erath County (reappointment).

To be a Member of the Board of Regents, TEXAS WOMAN'S UNIVERSITY: Mrs. Deane Armstrong, Williamson County.

To be Members of the COMMISSION ON JAIL STANDARDS: Steve Suttle, Taylor County; Fidencio G. Garza, Brooks County; Gayle R. Carden, Hunt County; Jack Heard, Harris County; James Greenwood, III, Harris County; Dr. Hanes Hanby Brindley, Bell County; T. L. Baker, Potter County; Robert J. (Bob) Uhr, Comal County.

To be Members of the TEXAS ANIMAL HEALTH COMMISSION: C. E. Knolle, Jim Wells County; Charles Koontz, Lamb County (reappointment); Dr. Ben W. Hopson, Webb County; John Barclay Armstrong, Kleberg County.

To be Members of the STATE JUDICIAL QUALIFICATIONS COMMISSION: Crawford Godfrey, Cherokee County; Esco Walter, Eastland County; O. J. Weber, Jefferson County; Darrell B. Hester, Cameron County.

To be a Member of the STATE DEPOSITORY BOARD: J. C. Dingwall, Travis County (term of 9/19/75-8/22/77).

To be Members of the Board of Directors, TEXAS A&I UNIVERSITY: Charles C. Butt, Nueces County (reappointment); Mrs. Mary L. Kleberg, Kleberg County (reappointment).

To be Members of the Board of Regents, LAMAR UNIVERSITY: Elvis L. Mason, Dallas County (term of 10/7/75-10/4/81); Tolbert Thurman Crowder, Jefferson County (reappointment); Ocie R. Jackson, Chambers County (term of 10/7/75-10/4/81).

To be Members of the TEXAS PRIVATE EMPLOYMENT AGENCY REGULATORY BOARD: Mrs. Kenneth A. Landers, Dallas County (term of 9/19/75-1/31/81); T. H. (Hal) Haynie, Randall County (term of 10/14/75-1/31/81).

To be Members of the TEXAS REAL ESTATE COMMISSION: Franklin A. Jeffers, Potter County (term of 10/6/75-10/5/81); Robert Clyde Jones, Bexar County (term of 10/6/75-10/5/81).

To be Members of the ANTIQUITIES COMMITTEE: Dr. William W. Newcomb, Jr., Travis County (reappointment); Dr. William Curry Holden, Lubbock County (reappointment); Dr. Denver Fred Wendorf, Dallas County (reappointment).

To be Members of the Board of Directors, UPPER COLORADO RIVER AUTHORITY: Everett J. (Ebb) Grindstaff, Runnels County (reappointment); Leonard Cumbie Ivey, Sr., Coke County (reappointment); John R. (Dick) Salmon, Tom Green County (reappointment).

To be Members of the Board of Regents, EAST TEXAS STATE UNIVERSITY: Leon Coker, Jr., Bowie County (reappointment); Thomas B. Steely, Lamar County (reappointment); Cloyd D. Young, Dallas County (reappointment).

To be a Member of the Board of Directors, EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT: Charles H. Freeman, Jr., Wilson County (reappointment).

To be Members of the UPPER GUADALUPE RIVER AUTHORITY: John Mahaffey, Kerr County (reappointment); Raymond Mosty, Kerr County (reappointment); Edgar Wallace, Kerr County (reappointment).

To be Members of the LAVACA COUNTY FLOOD CONTROL DISTRICT NO. 3: Paul Najvar, Lavaca County (reappointment); Robert Joseph Pesek, Lavaca County (reappointment).

To be Members of the STATE BOARD OF MEDICAL EXAMINERS: Dr. D. Clifford Burross, Wichita County (term of 12/3/76-4/13/81); Dr. Charley E. Wysong, Collin County (reappointment); Dr. Jose G. Rodarte, Bell County (reappointment); Dr. James Russell Winn, Uvalde County (term of 12/3/76-4/13/77).

To be Members of the Board of Directors, NUECES RIVER AUTHORITY: O. D. (Buster) Dooley, Kinney County (reappointment); Jerome Brite, Atascosa County (reappointment); C. Alvin Morris, Zavala County (reappointment); George Morrill, Bee County (reappointment); Allen Wood, Nueces County (reappointment).

To be Members of the Board of Directors, RIO GRANDE VALLEY POLLUTION CONTROL AUTHORITY: Dr. Armando Cuellar, Hidalgo County (term of 3/24/77-4/30/77); James L. Evans, Cameron County (term of 3/24/77-4/30/78).

To be Members of the Board of Directors, RUNNELS COUNTY WATER AUTHORITY: Elliott J. Kemp, Runnels County (term of 3/24/77-1/1/81); Wesley M. Hays, Runnels County (term of 3/24/77-1/1/83); Ernest E. Thormeyer, Runnels County (reappointment).

To be Members of the Board of Regents, STEPHEN F. AUSTIN STATE UNIVERSITY: Mrs. Tom Wright, Nacogdoches County (reappointment); Walter C. Todd, Dallas County (reappointment); Robert C. Gray, Travis County (reappointment).

To be DISTRICT ATTORNEY: Leslie B. Vance, Bosque County.

Senator McKnight moved confirmation of Laurence A. McNeil.

The motion to confirm Mr. McNeil was lost by the following vote: Yeas 0, Nays 29.

Nays: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Adams, Snelson.

COMMITTEE SUBSTITUTE HOUSE BILL 3 POSTPONED

The President laid before the Senate as unfinished business **C.S.H.B. 3** with an amendment by Senators Hance, Farabee, Sherman and Santiesteban pending.

Question - Shall the amendment be adopted?

On motion of Senator Hance and by unanimous consent, consideration of **C.S.H.B. 3** was postponed until Monday, April 4, 1977, at 11:00 o'clock a.m.

RECESS

On motion of Senator Aikin the Senate at 12:50 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE SENATE BILL 194 ON SECOND READING

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 194. Relating to the administration of the state turnpike program; amending Sections 1 and 2, 4-21, and repealing Section 3, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6674v, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend **C.S.S.B. 194** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Sec. 17. of Article 6674v, Vernon's Civil Statutes of Texas, Chapter 410, Acts of the Fifty-third Legislature of Texas, Regular Session, 1953, as amended, is hereby amended by adding an additional subsection thereto as follows:

17(a) This subsection shall apply only to the Dallas-Fort Worth Turnpike, constructed pursuant to this Act and presently existing in Dallas and Tarrant Counties, and to no other project now or hereafter existing, and shall supercede any provisions of this Act in conflict herewith. The Dallas-Fort Worth Turnpike shall become toll free, at 12:00 p.m. on December 31, 1977. The Authority shall, with the approval of the State Highways and Public Transportation Commission, effectuate a plan for an orderly transition of the Dallas-Fort Worth Turnpike to the State Department of Highways and Public Transportation on that date. In no event shall the transition plan operate to extend the cut off time for the collection of tolls set out above. The transition plan shall provide a reasonable time within which said plan shall be consummated and shall include retention by the Authority of toll collection and accounting equipment, toll booths and other equipment, furnishings, and supplies usable by the Authority in the operation of other Projects, the provision of funds for unemployment compensation and other payments required by State law in the termination of employment of State employees, the payment of debts and other contractual obligations of the Authority payable from funds of the Dallas-Fort Worth Turnpike and such other requisites to the transition as may be appropriate. Monies for the payment of such transition expenses, debts and obligations shall be set aside and retained by the Authority for such purposes in a trust fund with a banking institution chosen by the Authority to be used for such purposes and the payment of expenses appurtenant thereto.

Section 2. Article 6674v, Vernon's Civil Statutes of Texas, Chapter 410, Acts of the Fifty-third Legislature of Texas, Regular Session, 1953, as amended, is hereby amended to add thereto Section 12(b) as follows:

Sec. 12(b) Texas Turnpike Authority Feasibility Study Fund. Any funds of the Dallas-Fort Worth Turnpike remaining on December 31, 1977, after provision for transition expenses, debts and obligations pursuant to Section 16 (a) of this Act shall be deposited by the Authority in a fund which shall be entitled "Texas Turnpike Authority Feasibility Study Fund," which shall be a revolving fund held in

trust by a banking institution chosen by the Authority, separate and apart from the funds of any Project. No funds from any other existing, presently constructed project shall be added to this fund. Such fund shall be used for the purpose of paying the expenses of studying the cost and feasibility and any other expenses relating to the preparation and issuance of Turnpike Revenue Bonds for the construction of any Turnpike Project, the study of which thereafter shall be authorized by the Texas Turnpike Authority, subject to the prior approval of the Texas Highways and Public Transportation Commission. The funds expended from this fund on behalf of any such new project shall be regarded as a part of the cost of such new project and said fund shall be reimbursed out of the proceeds of Turnpike Revenue Bonds issued for the construction of any such additional project. After this Act is signed by the Governor, all monies reimbursable from the sale of bonds of projects whose studies and other expenses have been advanced from funds of the Dallas-Fort Worth Turnpike shall be reimbursed to this fund for use as a part hereof. For the same purposes, the Authority may borrow money and issue promissory notes or other interest bearing evidences of indebtedness payable out of this fund, pledging or hypothecating thereto any sums therein or to be placed therein.

In addition to the above, any municipality or group of municipalities, any county or group of counties, or any combination of municipalities and counties or any private group or combination of individuals within the State may pay all or part of the expenses of studying the cost and feasibility and any other expenses relating to the preparation and issuance of Turnpike Revenue Bonds for the construction of a Turnpike Project. The funds expended on behalf of any new project shall be regarded as part of the cost of such new project, and with the consent of the Texas Turnpike Authority, shall be reimbursable to the party paying the expenses out of the proceeds of Turnpike Revenue Bonds issued for the construction of such new project.

Section 3. Article 6674v, Vernon's Civil Statutes of Texas, Chapter 410, Acts of the Fifty-third Legislature of Texas, Regular Session, 1953, as amended, is hereby amended to add thereto a new Section 27 as follows:

Sec. 27. Project Pooling Within the Same County. Notwithstanding any conflicting provisions in this Act and superceding the same where in conflict with this Section, the Authority is hereby authorized and empowered, but only as to Projects locally wholly within the same county, and subject to all the provisions of this Section 27:

(a) To determine, after a public hearing, subject to prior approval by the State Highways and Public Transportation Commission and a resolution approving the same duly passed by the County Commissioners' Court of the County where the projects are located that any two or more projects now or hereafter constructed or determined to be constructed by the Authority in the same county shall be pooled and designated as a "Pooled Project." Any existing project or projects may be pooled in whole or in part with any new project or projects or parts thereof. Upon designation such "Pooled Project" shall become a "Project" or "Turnpike Project" as defined in Section 4(c) of this Act and as used in other Sections of this Act. No project may be pooled more than once. Consistent with the Trust Indenture regarding securing bonds of that project, the Resolution of the County Commissioners' Court shall set a date certain when each of the projects being authorized to be pooled shall become toll free.

(b) Subject to the terms of this Act, and subject to the terms of any Trust Agreement securing the payment of any Turnpike Revenue Bonds, the Authority is authorized to provide by resolution from time to time for the issuance of turnpike revenue bonds of the Authority for the purpose of paying all or any part of the cost of any Pooled Project or the cost of any part of such Pooled Project and to pledge revenues of such Pooled Project or any part thereof.

(c) Subject to the terms of any Trust Agreement securing the payment of any Turnpike Revenue Bonds, the Authority is authorized to issue by resolution Turnpike Revenue Refunding Bonds of the Authority for the purpose of refunding any bonds then outstanding, issued on account of any Pooled Project or any part of any Pooled Project issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions and enlargements to the Pooled Project or to any part of any Pooled Project in connection with which or in connection with any part of which bonds to be refunded shall have been issued. Revenues of all or any part of such Pooled Project may be pledged to the payment of such refunding and improvement bonds. Such improvements, extensions or enlargements are not restricted to and need not be constructed on any particular part of a Pooled Project in connection with which bonds to be refunded may have been issued, but may be constructed in whole or in part on other parts of the Pooled Project not covered by the bonds to be refunded. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. Within the discretion of the Authority the refunding bonds may be issued in exchange for outstanding bonds or may be sold and the proceeds used for the purpose of redeeming outstanding bonds.

Whether bonds be refunded or not, the Authority may, subject to the terms of any Trust Agreement securing the payment of any Turnpike Revenue Bonds, issue from time to time by resolution, bonds, of parity or otherwise, for the purpose of paying the cost of all or any part of any Pooled Project or for the purpose of constructing improvements, extensions or enlargements to all or any part of any Pooled Project, and to pledge revenues of all or any part of such Pooled Project to the payment thereof.

(d) The Authority is authorized from time to time, after public hearing and subject to approval by the State Highways and Public Transportation Commission and a resolution approving the same duly passed by the County Commissioners' Court of the County where the projects are located, and subject to the terms of any Trust Agreement securing Turnpike Revenue Bonds, to add to, delete from, or otherwise amend the extent or component parts of any Pooled Project, which Pooled Project as so amended shall be and become a "Project" or "Turnpike Project" as defined in Section 4 (c) of this Act and as used in other sections of this Act.

Section 4. Emergency Clause. The necessity of providing a date on or before which the Dallas-Fort Worth Turnpike shall be toll free, providing an orderly transition of the Dallas-Fort Worth Turnpike to the State Department of Highways and Public Transportation; the necessity for creation of a fund for feasibility studies of additional turnpikes; the relief from the crowded and hazardous conditions of the existing highways which will be afforded by this legislation; the need for additional highways for commercial and agricultural development of the State and the inadequacy of funds to finance the construction of such facilities create an emergency and imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect immediately upon and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend **C.S.S.B. 194** by striking all above the enacting clause and substituting in lieu thereof the following:

Amending Article 6774v, Vernon's Revised Civil Statutes of Texas, Chapter 410, Acts of the Fifty-third Legislature of the State of Texas, Regular Session, 1953, as amended, to add additional sections to set a date certain on which the Dallas-Fort Worth Turnpike shall become toll free, providing for the transition of the Dallas-Fort Worth Turnpike to the State Department of Highways and Public Transportation and the gathering of funds for the payment of transition costs and obligations of the Authority then outstanding; providing for the creation of a revolving fund for financing feasibility studies subject to the prior approval of the State Highways and Public Transportation Commission; permitting, subject to the prior approval of the State Highways and Public Transportation Commission, and the Commissioner's Court of the county involved, the pooling of one or more projects now or hereafter constructed within the same county into a "Pooled Project" and authorizing the issuance of Turnpike Revenue Bonds for the purpose of constructing and improving, extending or enlarging all or any part of such Pooled Project and the pledging of revenues from all or any part of such Pooled Project to the maintenance, repair, operation and payment of interest and principal of revenue bonds issued to construct, improve, extend or enlarge all or any part of said Pooled Project.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 194 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 194** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent: Creighton, Lombardino, McKnight, Moore.

Absent-excused: Adams, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Creighton, Lombardino, McKnight, Moore.

Absent-excused: Adams, Snelson.

HOUSE BILL 502 ON THIRD READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage: (final passage having been reconsidered on March 28, 1977)

H.B. 502, A bill to be entitled An Act relating to the compensation of judges in certain counties; amending Subsection (c), Section 8, Chapter 427, Acts of the 54th Legislature, 1955 (Article 3883i, Vernon's Texas Civil Statutes); repealing Chapter 322, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970-301h, Vernon's Texas Civil Statutes); and declaring an emergency.

Question - Shall **H.B. 502** be finally passed?

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

By unanimous consent, Senator Mauzy offered the following amendment to the bill:

Amend **H.B. No. 502** by striking all below the enacting clause and inserting the following:

Section 1. Subsection (c), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) In all counties of this state having a population of not less than 750,000 nor more than 1,000,000 according to the last preceding Federal Census, the Commissioners Court shall fix the annual salaries of ~~[county officials in amounts not to exceed the following:~~

~~[(1) The salary of the county judge, \$22,500; the county commissioners, \$22,000; district attorney, \$26,000; sheriff, \$22,000; tax assessor and collector, \$25,000; judges of the] county courts at law judges in an amount not less than \$25,000 annually and not to exceed nine-tenths of the total annual salary, including supplements, paid any district judge sitting in the county. [and county civil court at law, \$25,000; county clerk and district clerk, \$22,000; county treasurer, \$18,000.]~~ Salaries fixed by this Section shall be payable in equal monthly installments. ~~[; justices of the peace and the constables may receive not to exceed \$16,000 per annum to be paid in equal monthly installments;]~~ Nothing in Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 3912k, Vernon's Texas Civil Statutes), applies to judges of the county courts at law.

~~[(2) The county judge in those counties, shall be allowed, in addition to all other compensation in this subsection, a sum, to be set by the commissioners court, not to exceed \$4,500 per annum for serving as a member of the County Juvenile Board which shall be paid in 12 equal monthly installments out of the general fund of the county and which additional compensation shall be in addition to all other salary or other compensation now paid to the county judge.]"~~

Sec. 2. Chapter 322, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970-301h, Vernon's Texas Civil Statutes), is repealed.

Sec. 3. Section 1, Chapter 906, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3883i-2, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In all counties of this State having a population of not less than one million, two hundred thousand (1,200,000) ~~[one million, five hundred thousand (1,500,000)]~~ inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of each of the Judges of the Probate Courts, Judges of the County Courts at Law, ~~[and]~~ Judges of the County Criminal Courts at Law, and Judges of the County Criminal Courts of Appeals at not less than One Thousand Dollars (\$1,000) less per annum than the total annual salary,

including supplements, received by Judges of the District Courts in such counties, which shall be paid in twelve (12) equal monthly installments."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Kothmann and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed by the following vote: Yeas 25, Nays 0.

Absent: Creighton, Lombardino, McKnight, Moore.

Absent-excused: Adams, Snelson.

HOUSE BILL 87 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 87, A bill to be entitled An Act relating to insurance coverage for certain cancer radiation centers by the joint underwriting association; amending Subdivision (1) of Section 2 and Subdivision (1) of Subsection (a) of Section 4, Texas Medical Liability Insurance Underwriting Association Act (Article 21.49-3, Vernon's Texas Insurance Code).

The bill was read second time and was passed to third reading.

HOUSE BILL 87 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 87** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Lombardino, Moore.

Absent-excused: Adams, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Lombardino, Moore.

Absent-excused: Adams, Snelson.

COMMITTEE SUBSTITUTE HOUSE BILL 34 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 34, Relating to county regulation of massage practitioners and establishments; providing penalties.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 34 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Moore.

Absent-excused: Adams, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Moore.

Absent-excused: Adams, Snelson.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 421 ON SECOND READING

Senator Meier moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 421, Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Aging and Special Assistance; transferring certain duties of the State Department of Public Welfare to the Department of Aging and Special Assistance; transferring the duties of the Governor's Committee on Aging to Department of Aging and Special Assistance.

The motion was lost by the following vote: Yeas 13, Nays 15.

Yeas: Andujar, Bracklein, Brooks, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Parker, Patman.

Nays: Aikin, Clower, Creighton, Doggett, Harris, McKnight, Mengden, Moore, Ogg, Santicsteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent: Lombardino.

Absent-excused: Adams, Snelson.

COMMITTEE SUBSTITUTE SENATE BILL 583 ON SECOND READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 583, An Act relating to prohibition of certain practices in connection with insurance of real and personal property; amending Article 21.48A, Insurance Code; providing a penalty.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 583 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 583** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Brooks.

Absent-excused: Adams, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Brooks.

Absent-excused: Adams, Snelson.

LEAVE OF ABSENCE

Senator Lombardino was granted leave of absence for remainder of today on account of important business on motion of Senator Traeger.

SENATE JOINT RESOLUTION 44 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 44, Proposing an amendment to Article VIII of the Texas Constitution by adding Section 1-f to grant the Legislature the power to authorize cities and towns to issue bonds to finance the redevelopment of certain blighted downtown areas.

The resolution was read second time.

Senator Farabee offered the following committee amendment to the resolution:

Amend Subsection 1 (a) of **S.J.R. 44** to read as follows:

"Section 1. That Article VIII of the Texas Constitution be amended by adding Section 1-f to read as follows:

'Section 1-f. (a) Notwithstanding the requirements of Section 1 of this Article (:)or of Section 14 of Article VIII, the Legislature may, subject to the limitations provided herein, authorize cities and towns to issue tax increment bonds, the proceeds of which shall be used to finance the redevelopment of blighted commercial areas, and the payment of which shall be provided from tax increments, as such term is defined by the Legislature.'"

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the resolution:

Amend Section 3 of **S.J.R. 44** by changing the election date in line 22 to read Nov. 1, 1978.

The committee amendment was read and was adopted.

Senator Mengden offered the following amendment to the resolution:

Amend **S.J.R. 44** by inserting the phrase "or the state" after the word "town" in each of the two places that it appears in quoted Section 1-f (b) of Section 1.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

SENATE JOINT RESOLUTION 44 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 44** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: McKnight, Moore.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: McKnight, Moore.

Absent-excused: Adams, Lombardino, Snelson.

SENATE BILL 635 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 635, Relating to the powers and duties of municipalities with respect to tax increment financing; authorizing the use of tax increment financing for the redevelopment of blighted commercial areas; declaring the objectives of certain activities undertaken in conjunction with the redevelopment of commercial areas to be public purposes; providing procedures for the implementation of redevelopment programs; authorizing municipalities to issue tax increment bonds to finance redevelopment programs; providing severability; and declaring an emergency.

The bill was read second time.

(Senator Brooks in Chair)

Senator Farabee offered the following committee amendment to the bill:

Amend Sec. 4(b) of **S.B. 635** to read as follows:

“(b) Consistent with any redevelopment plan adopted by the governing body, the municipality may acquire blighted, deteriorated, deteriorating undeveloped or inappropriately developed real property for ~~(rehabilitation or conservation,)~~ the preservation or restoration of historic sites, beautification or conservation, or for the provision of public works or facilities or other public purposes, acquire, construct, reconstruct or install public works, facilities and sites or other improvements, including, but not limited to, utilities, streets, street lights, water and sewer facilities, pedestrian malls and walkways, parks, flood and drainage facilities, and parking facilities.”

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 635** by deleting Subsec. 3(b) in its entirety and renumbering Subsec. 3(c) in as Subsec. 3(b), and renumbering succeeding subsections in sequence.

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the bill:

Amend Subsec. 6(b) of **S.B. 635** to read as follows:

“(b) At the time a redevelopment district is designated by the governing body, the tax assessor-collector shall, with the concurrence of an independent real estate appraiser ~~(the Comptroller,)~~ certify to the governing body the market value of property within the boundaries of such district. Property taxable at the time the redevelopment district is designated shall be included at its most recently determined market value; property exempt from taxation at the time the redevelopment district was designated shall be included at zero.”

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 635 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: McKnight, Moore.

Absent-excused: Adams, Lombardino, Snelson.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 664 ON SECOND READING

Senator Jones of Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 664, Relating to certain definitions in, the relief and defenses available under, and to the intent of the legislature regarding the construction of certain provisions of, Subchapter E, Chapter 17, Business and Commerce Code; amending Section 17.45, Subsections (b) and (c) of Section 17.46, Subsections (a), (b), (c) and (d) of Section 17.47, Subsection (a) of Section 17.50, Section 17.56, Section 17.59, and adding Section 17.50A and Section 17.55A, Business and Commerce Code; repealing Sections 17.51, 17.52, 17.53, and 17.54, Business and Commerce Code; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 5.

Yeas: Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Mengden, Ogg, Parker, Patman, Schwartz, Traeger, Truan, Williams.

Nays: Aikin, Harris, McKnight, Meier, Sherman.

Absent: Andujar, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 664 ON THIRD READING

Senator Jones of Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 664** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 20, Nays 5.

Yeas: Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Mengden, Ogg, Parker, Patman, Schwartz, Traeger, Truan, Williams.

Nays: Aikin, Harris, McKnight, Meier, Sherman.

Absent: Andujar, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Aikin and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 738 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 738, Relating to the appointment, removal, staff, compensation, meetings, and duties of presiding judges of the administrative districts and the meetings and duties of district judges; amending Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), by amending Sections 2, 4, and 6, and Subsection (2) of Section 2a, and adding Sections 6a and 6b; and declaring an emergency.

The motion was lost by the following vote: Yeas 10, Nays 15.

Yeas: Aikin, Brooks, Doggett, Harris, Jones of Harris, Jones of Taylor, Mauzy, Meier, Schwartz, Truan.

Nays: Braecklein, Clower, Creighton, Farabee, Hance, Kothmann, Longoria, Mengden, Moore, Ogg, Parker, Patman, Sherman, Traeger, Williams.

Absent: Andujar, McKnight, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

SENATE JOINT RESOLUTION 45 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 45, Proposing an amendment to Article V, Section 6, Texas Constitution, to permit more associate justices on a court of civil appeals, to permit a court of civil appeals to sit in sections, and requiring a concurrence of a majority of justices for a decision.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 6.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Harris, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Schwartz, Traeger, Truan, Williams.

Nays: Creighton, Farabee, Hance, Jones of Taylor, Moore, Sherman.

Absent: Andujar, McKnight, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

(President in Chair)

SENATE BILL 337 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 337, Relating to legal representation for county officials and employees by the district attorney, county attorney, or private counsel in certain suits; amending Article 332c, Vernon's Texas Civil Statutes (Acts 1973, 63rd Legislature, page 1765, Chapter 644), and declaring an emergency.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend Senate Bill 337 by substituting the following section for the present Section 3:

"If the county attorney or district attorney declines to represent as provided by Section 2 of this Act, the county commissioners court shall employ and pay private counsel."

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 337 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 337** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Andujar, McKnight, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 741 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 741, Relating to the establishment of a system to assess and publicize the fiscal effects of certain local government actions.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 741 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 741** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Yeas: Aikin, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Patman.

Absent: Andujar, McKnight, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 626 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 626, Relating to the exemption from ad valorem taxation and properties dedicated to the preservation of wildlife and the conservation of wildlife areas, owned by non-profit organizations devoted to such purposes; amending Article 7150, Title 122, Taxation, Revised Civil Statutes of Texas, 1925, as amended by amending Sections 22 and 22a; and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 626** by striking Section 1 in its entirety and renumbering subsequent sections accordingly.

The committee amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. No. 626** by adding "(a)" between "22a." and "All" on line 38, page 1, and by adding subsection (b) to the quoted Section 22a to read as follows:

"(b) To be eligible for an exemption under Subsection (a)(8) of this section, a non-profit corporation must:

"(1) by charter or bylaw, pledge its assets for use in performing the functions that qualify it for exemption and direct that, on discontinuance of the corporation (by dissolution or otherwise), the assets be transferred to a charitable, educational, or other organization that is qualified for exemption from property taxation under this Article; and

"(2) be operated in a way that does not result in accrual of distributable profits, realization of private gain from payment of compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of private gain."

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 626 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 626** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 3.

Yeas: Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Hance, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Kothmann, McKnight, Meier, Mengden, Ogg, Parker, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Farabee, Harris, Patman.

Absent: Andujar, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman and Hance asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 792 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 792, Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Texas Civil Stats., establishing and governing the Texas County and District Retirement System), etc., and declaring an emergency.

The bill was read second time.

Senator Clower offered the following amendment to the bill:

Amend **S.B. No. 792** by striking Section 7 of the bill and substituting the following:

Sec. 7. Subsections 4 and 5, Section 6, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes), are amended to read as follows:

"4. After a receipt of such certification from the participating subdivision, the Board shall issue prior service certificates certifying to each member the length of 'prior service' with which he is credited, his 'average prior service compensation' and his 'allocated prior service credit' as herein defined. So long as membership continues, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member or participating subdivision may, within one (1) year from the date of issuance or modification of such certificate, request the Board to modify or correct such prior service certificate.

"When membership ceases, such prior service certificate shall become void. If a person whose membership has terminated later becomes a member as an employee of a participating subdivision and continues as an employee for a period of twenty-four (24) months, or if a person whose membership has terminated later becomes a member as an elective official and takes his oath of office, he is entitled, on application, to have his prior service certificate reissued. ~~[Should a person whose membership has terminated again become a member, he shall enter the System as a member not entitled to credit for prior service.]~~

"5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of the current service rendered by him for which he has contributions credited to his account in the Employees Saving fund, and also, if he has a prior service certificate which is in full force and effect, the length of the service credited on his prior service certificate.

"If a person who has withdrawn his contributions and cancelled his accumulated service credit later becomes a member as an employee of a

participating subdivision and continues as an employee for a period of twenty-four (24) months, or if a person who has withdrawn his contributions and cancelled his accumulated service credit later becomes a member as an elective official and takes his oath of office, he is entitled to have his previous current service reinstated for retirement purposes if he deposits in the Retirement System in a lump sum payment the amount withdrawn plus interest of five per cent (5%) from the date of withdrawal to the date of redeposit plus any expense contributions due. The amount withdrawn and redeposited shall be placed in his individual account in the Employees Saving Fund, interest paid shall be deposited in the Subdivision Accumulation Fund to the credit of the participating subdivision with which the previous current service was originally established, and expense contributions paid shall be deposited in the Expense Fund. The amounts to be deposited are determined in each case by the Board, and no person may retire under the provisions of this Act on previous current service credits until the amounts so determined have been paid in full. ~~[Any member, who has terminated a previous membership by withdrawal of then accumulated deposits while absent from service, may, if the participating subdivision with which he is presently employed agrees to underwrite and assume the obligations therefor and if the member has at least twenty four (24) consecutive months of creditable service with his present employer since reestablishment of membership, deposit in the System in a lump sum payment the amount withdrawn, plus a withdrawal charge of five percent (5%) of such amount per annum from the date of withdrawal to the date of redeposit, and shall thereupon be entitled to restoration of all creditable service to which he had been entitled at date of termination of the earlier membership, and the amount redeposited shall be placed in the member's individual account in the Employees Saving Fund of the System, but the five percent (5%) per annum charge shall be deposited to the credit of the participating subdivision assuming the other obligations arising from granting of credit for such former service. In such event the consenting subdivision's account in the Subdivision Prior Service Accumulation Fund shall be charged with the necessary reserves to fund any prior service credits restored to the member, and its account in the Subdivision Current Service Accumulation Fund shall be charged with the reserves required to provide for funding of any current service credits restored to the member. No such restoration of credits shall be undertaken by any participating subdivision unless it shall first be determined by the actuary that the granting of such credits by the participating subdivision would not impair the ability of the subdivision to meet all present and prospective liabilities of the subdivision's account in the Subdivision Prior Service Accumulation Fund and in the Subdivision Current Service Accumulation Fund, and would not impair the ability of the subdivision to provide for payment of prior service annuities or current service annuities.]~~

The amendment was read and was adopted.

RECORD OF VOTE

Senator Sherman asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 792 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 792** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Andujar, McKnight, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 793 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 793, Amending Chapter 127, Acts of the Regular Session of the 60th Legislature, as amended (Article 6228g, Vernon's Tex. Civil Stats., establishing and governing the Texas County and District Retirement System), etc., and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 793 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 793** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 0.

Absent: Andujar, McKnight, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0.

Absent: Andujar, McKnight, Moore, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

SENATE BILL 901 ON SECOND READING

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

S.B. 901, Relating to open meetings of governmental bodies; amending Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 21, Nays 4.

Yeas: Aikin, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Braecklein, Clower, Doggett, Longoria.

Absent: Andujar, McKnight, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend Senate Bill 901 by adding a new Section 4 to read as follows and renumbering subsequent sections accordingly:

Sec. 4. Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (f) to read as follows:

“(f) The public may be excluded from that portion of a meeting during which a discussion is had with respect to the purchase, exchange, lease or value of ~~real~~ property, negotiated contracts for prospective gifts of donations to the state or the governmental body, when such discussion would have a detrimental effect on the negotiating position of the governmental body as between such body and a third person, firm or corporation.”

The committee amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend **S.B. 901** by striking Sec. 3 and renumber subsequent sections.

The amendment was read.

On motion of Senator Brooks the amendment was tabled by the following vote: Yeas 17, Nays 8.

Yeas: Aikin, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, Mengden, Moore, Ogg, Parker, Schwartz, Traeger, Williams.

Nays: Bracklein, Clower, Doggett, Longoria, Meier, Patman, Sherman, Truan.

Absent: Andujar, McKnight, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

Senator Doggett offered the following amendment to the bill:

Amend **S.B. 901** at line 50 on page 1 by adding after the word "state," the following:

"the board of directors of every electric cooperative corporation organized under the Electric Cooperative Corporation Act (Article 15286, Vernon's Texas Civil Statutes),"

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Braecklein, Clower, Truan and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 901 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 901** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 4.

Yeas: Aikin, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Schwartz, Sherman, Traeger, Williams.

Nays: Braecklein, Clower, Longoria, Truan.

Absent: Andujar, McKnight, Santiesteban.

Absent-excused: Adams, Lombardino, Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Sherman and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

S.C.R. 12

MEMORIAL RESOLUTIONS

H.C.R. 46 (Meier): Memorial resolution for Uel Stephens.

S.R. 451 - by Parker: Memorial resolution for James J. Flanagan, Jr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 430 - by Doggett: Extending welcome to Reverend Al Hemenway.

S.R. 431 - by Creighton: Extending congratulations to Gorman High School Panthers.

S.R. 432 - by Clower: Extending welcome to Sarah Aubrey.

S.R. 433 - by Clower: Extending welcome to Sebastian Becton.

S.R. 434 - by Clower: Extending welcome to Kristin Berry.

S.R. 435 - by Clower: Extending welcome to Bret Burford.

S.R. 436 - by Clower: Extending welcome to Brooke Byram.

S.R. 437 - by Clower: Extending welcome to Elizabeth Clower.

S.R. 438 - by Clower: Extending welcome to Bill Davenport.

S.R. 439 - by Clower: Extending welcome to Mark Graham.

S.R. 440 - by Clower: Extending welcome to Talitha Guttman.

S.R. 441 - by Clower: Extending welcome to Jody Hooten.

S.R. 442 - by Clower: Extending welcome to Amy Jones.

S.R. 443 - by Clower: Extending welcome to William Little.

S.R. 444 - by Clower: Extending welcome to Maureen Murrell.

S.R. 445 - by Clower: Extending welcome to Randall Schultz.

S.R. 446 - by Clower: Extending welcome to Clinton Siddons.

S.R. 447 - by Clower: Extending welcome to Whitney Washam.

S.R. 448 - by Clower: Extending welcome to Christopher White.

S.R. 449 - by Clower: Extending welcome to Gregg Yows.

S.R. 450 - by Clower: Extending welcome to Dr. John S. Smale.

S.R. 452 - by Doggett: Extending congratulations to Dean Leon Green.

ADJOURNMENT

On motion of Senator Aikin the Senate at 5:13 o'clock p.m. adjourned in memory of Judge T. Gilbert Adams until 10:30 o'clock a.m. Monday, April 4, 1977.

In Memory**of****Judge T. Gilbert Adams**

Senator Aikin offered the following resolution:

(Senate Resolution 429)

WHEREAS, A man whose life was a legend of service to his fellowman and to his beloved East Texas was lost to his community and this state with the untimely death on Monday, March 28, 1977, at the age of 68, of the Honorable T. Gilbert Adams, County Judge of Jasper County; and

WHEREAS, Judge Adams, who was the father of State Senator Don Adams, never lived too far from his birthplace in 1909 in the town of San Augustine; the son of F. P. Adams and Myra Trotti Adams, the youngster grew up always near the piney woods he loved, living with his family in Hemphill and Pineland until 1923, when Jasper became home to them; and

WHEREAS, The East Texas area, which has given Texas and the nation so many statesmen and distinguished citizens, contributed to the molding and shaping of the values of T. Gilbert Adams; when he reached the age for higher education he studied law at Baylor University, where he was a member of Sigma Alpha Epsilon, and earned his law degree from Cumberland University in Tennessee in 1933; and

WHEREAS, Returning to Jasper, the young attorney opened his law office in that city and soon found a beautiful young lady to share his life and fortune; he and Miss Dess Hart were married in December, 1937; and

WHEREAS, The Adams family was made complete when their three children were born: Don Adams, now a state senator; F. P. Adams III, a state trooper with the Texas Department of Public Safety; and a daughter, Frances Sue, who is now Mrs. Charles Thomas; Judge and Mrs. Adams also enjoyed five grandchildren; and

WHEREAS, Early in his legal career T. Gilbert Adams attained a reputation for professional ability and integrity, and he was first elected to public office as County Attorney of Jasper County, where he served from 1942 to 1952; he was then elected to the office of District Attorney of Jasper County, serving until 1954; and

WHEREAS, In addition to his public duties, he gave his talents to the business world, serving as president of the First State Bank of Jasper from 1952 to 1965, the year in which he formed a partnership in law with his son, Don; and

WHEREAS, During the ensuing years, he contributed a life of unselfish service both to church and community: he was active in the Baptist Church for 50 years, was a 32nd degree Mason of the Scottish Rite Temple, and a Shriner with El Mina Temple; his community dedication was exemplary in such positions as president of the Jasper Kiwanis Club, president of the Jasper Chamber of Commerce, vice-president of the American Banking Association, treasurer of the Texas Bankers Association, attorney for the Jasper-Newton Electric Co-Operative, and president of the first hospital district in Jasper; as president of the Jasper Industrial Foundation, he was credited with much of the community's success in attracting new industry; and

WHEREAS, Early in his youth, Judge Adams was involved in scouting and, as an adult, he contributed greatly to the growth and development of the Boy Scouts of America throughout the state; in recognition of his service he was honored with the coveted Silver Beaver Award by the Three Rivers Council; and

WHEREAS, His long career in public service included a term as assistant calendar clerk in the 44th Texas Legislature of 1935; and

WHEREAS, After his election as County Judge of Jasper County in November, 1966, he served with accolades of honor and distinction and exhibited eminent qualities of leadership in the office throughout the past decade; he had only recently made known his decision to retire from the office in which he had so conscientiously and faithfully served his fellow citizens; and

WHEREAS, It is appropriate that the 65th Legislature of the State of Texas pay tribute to this notable Texan who was always willing to go that last mile in dedicated service to his community and his state; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That the Senate pay tribute to the life of exemplary service of Judge T. Gilbert Adams and extend sympathy on their great loss to the members of his family; and, be it further

RESOLVED, That official copies of this resolution be prepared for the immediate family, and that when the Senate of the State of Texas adjourns this day, they do so in memory of Judge T. Gilbert Adams, an eminent jurist and gentleman of the East Texas tradition.

The resolution was read and was adopted by a rising vote of the Senate.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.